

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

DANIEL M. BURKE,

Plaintiff,

v.

**NANCY A. BERRYHILL,
ACTING COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

Case No. 2:17CV00026

ORDER

By: James P. Jones
United States District Judge

It appearing that no objections have been timely filed to the Report filed March 20, 2019, setting forth the findings and recommendations of the magistrate judge, it is **ADJUDGED AND ORDERED** as follows:

1. The Report and its findings and recommendations are wholly **ACCEPTED** and **APPROVED**;
2. The motions for summary judgment by the parties are **DENIED**;
3. The final decision of the Acting Commissioner of Social Security is **VACATED** and this action is **REMANDED** to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: April 30, 2019

/s/ James P. Jones

United States District Judge